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October 30, 2023

VIA ECF

Hon. Alvin K. Hellerstein
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007

The motion is granted. The Clerk of Court shall maintain the seal of ECF No. 220 to be viewable only by the parties and Court personnel. The Clerk shall terminate ECF No. 215.

SO ORDERED.

Dated: 5/14/24
New York, New York

/s/ Alvin K. Hellerstein
Alvin K. Hellerstein
United States District Judge

Re: *The Avon Company f/k/a New Avon LLC et al. v. Fareva Morton Grove, Inc. et al.*, Case No. 22-cv-4724

Dear Judge Hellerstein:

We represent Plaintiffs The Avon Company f/k/a New Avon LLC and LG H&H Co., Ltd. f/k/a LG Household & Health Care, Ltd. (collectively, "Avon") in the above-referenced matter. We write to respectfully request that the Court enter an Order to maintain under seal the documents discussed below, copies of which are being contemporaneously filed under seal pursuant to the Court's standing order, 19-mc-00583, and this Court's Individual Rule 4(B)(ii). In support of this Letter Motion, Avon states as follows:

On October 7, 2022, the Court entered a Stipulated Confidentiality Agreement and Protective Order (the "Protective Order"). (ECF No. 65.) The Protective Order permits either party to designate Discovery Material as "Confidential," and provides that information so designated may not be disclosed except as expressly permitted under the Protective Order. (ECF No. 65 at ¶¶ 2, 12.)

On September 21, 2023 and October 16, 2023, respectively, the Court issued Orders directing the parties to set forth their positions concerning: (i) any additional discovery needed; and (ii) the legal standard governing the enforceability of the liquidated damages provisions contained in the parties' Manufacturing and Supply Agreement. (ECF Nos. 192, 211.) In response, Avon is submitting a Memorandum of Law Concerning the Legal Standard Governing the Enforceability of the MSA's Liquidated Damages Provisions and the Need for Additional Discovery (the "Memorandum"). In connection with the Memorandum, Avon intends to submit the following documents as Exhibits to the Declaration of Robert I. Steiner, dated October 30, 2023 (the "Steiner Decl."):

1. A copy of the Asset Purchase Agreement between Avon and Fareva, produced by Fareva in this action bearing Bates numbers FMG_00359578 – FMG_00359785, which Fareva designated as "Confidential" (Steiner Decl. Ex. 1); and

Hon. Alvin K. Hellerstein
October 30, 2023

2. An email and its attachment produced by Fareva in this action bearing Bates numbers FMG_00006801 – FMG_00006802, which Fareva designated as “Confidential” (Steiner Decl. Ex. 2).

Additionally, the Memorandum references and quotes the above-referenced exhibits, as well as excerpts of the transcript of the deposition of Philip McCarney, held on December 13, 2022 (the “McCarney Transcript”), which was previously filed under seal pursuant to requests made by Fareva. (ECF Nos. 91, 190.)

Accordingly, Avon respectfully requests that the Court maintain under seal the above-referenced exhibits, as well as any portions of the Memorandum referencing or quoting those exhibits or the McCarney Transcript, subject to any contrary request by Fareva at any time. By making this sealing request, Avon is not contending that good cause exists to designate any of the foregoing materials as Confidential within the meaning of the Protective Order. Instead, Avon merely seeks to comply with its obligations under the Protective Order to file under seal documents that Fareva has designated or may designate as Confidential. With Fareva’s permission, Avon is prepared to re-file the foregoing documents or portions thereof publicly.

Thank you in advance for your consideration of this request.

Respectfully submitted,

/s/ Robert I. Steiner
Robert I. Steiner

cc: All Counsel of Record (via ECF)